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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,194	11/04/2003	Stephen Solomon	02624/ LH	7107
21890	7590	04/12/2006	EXAMINER	
PROSKAUER ROSE LLP PATENT DEPARTMENT 1585 BROADWAY NEW YORK, NY 10036-8299			GIBSON, KESHIA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Interview Summary**

Application No.

10/702,194

Applicant(s)

SOLOMON ET AL.

Examiner

Keshia Gibson

Art Unit

3761

All participants (applicant, applicant's representative, PTO personnel):

(1) Keshia Gibson.(3) Robert Mayer.(2) Tiffany Levato.

(4) \_\_\_\_\_.

Date of Interview: 06 April 2006.Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.Claim(s) discussed: 21,31 and 32.Identification of prior art discussed: Shapiro.Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
4/6/06  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: In regards to Claim 21, Applicant explained that a recitation in regards to the stomach does not necessarily equivocate to the abdomen, since the abdomen includes more than just the stomach. Examiner understood the describe differentiation but explained that further search and consideration would be needed to determine if such limitation (tube through abdominal wall) was not taught by the prior art. Applicant further explained that it was felt that the positive recitation of "obtaining a desired weight loss" was different than maintaining a desired weight. However, Examiner explained that "desired weight loss" was open to a broader interpretation than that which applicant was presenting and would include maintaining a weight (especially considering that the average person naturally fluctuates between weights. Additionally, the recitation of repeating the extraction step was considered to be taught since the repeated extraction has to occur in order for a bulimic patient to maintain a desired weight. Examiner further pointed to the preamble of Claim 31 which recites "a method of achieving and maintaining weight loss," for a relation between weight loss and weight maintenance. In regards to Claim 31, Applicant inquired as to the recitation of "no longer obese" and if this overcame prior art. Examiner noted that, although the claim does not positively recite an obese patient prior to "no longer obese," the recitation of "a method of treating obesity" in the preamble may be enough to implicitly require such limitation. Additionally, Applicant felt that the discussion of obesity and bulimia on pages 116-117 would not result in a reasonable jump from bulimia to obesity. Examiner disagreed because prior art was considered to make an explicit link between obesity and bulimia and, as a result, one of ordinary skill would be able to make such jump linking the two eating disorders. Thus, Examiner stated that, in light of the arguments presented during the interview, further consideration would be needed to determine if the prior art still rendered the claim obvious. Examiner suggested Applicant make any desired amendments and present any arguments that they still had in their response to the outstanding Office Action .